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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,937	10/24/2003	Roger D. McCumber	2968.256US01	2118
23552	7590	01/28/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			LABAZE, EDWYN	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/692,937	Applicant(s) MCCUMBER, ROGER D.	
	Examiner EDWYN LABAZE	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,10-17 and 24-37 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-5,7,10-17,24-27 and 32-37 is/are rejected.
 7) ☐ Claim(s) 28-31 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11292004</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 11/29/2004.
2. Receipt is acknowledged of IDS filed on 11/29/2004.
3. Claims 1-5, 7, 10-17, and 24-37 (with new claims 31-37) are presented for examination.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 7, 10-17, 24-27, and 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field (U.S. 6,808,118) in view of Meunier et al. (U.S. 6,604,875).

Re claims 1-5, 10-15, 17, 24-27, and 32-37: Field discloses security code verification for identification cards, which includes an identity card 10 comprising of first and second opposite major surfaces and a perimeter edge surface (as shown in fig. # 1), at least one of the major surfaces 12 including card holder information [herein disclosed as biometric information 16, such as user's name, address, weight, height, date of birth and the like; col.4, lines 42+] and at least one communication marking provided on at least a portion edge surface (col.6, lines 10+). Field further discloses security indicia 18 with a printed code that is undetected by the unaided eye, wherein the code 18 is formed of color pixels 20 that are placed in a specific position and a specific arrangement (col.4, lines 49+).

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Field does not specifically teach that the communication marking/code is on at least of the perimeter edge and to enable the card to be tracked within card processing equipment wherein the communication marking is formed from non-visible ink, also the marking is a bar code or a symbol, a reader.

Meunier et al. teaches authenticated sheet material, which includes means of printing a security code/identifier 22/202 on at least a perimeter edge surface 13 of the substrate 10 wherein the communication marking is formed from non-visible ink (col.7, lines 1+; col.13, lines 18-65; col.14, lines 1+). Meunier et al. further teaches a plurality of the communication markings, wherein the marking is provided on at least the top edge surface (see fig. # 1 of Meunier et al.), wherein the marking 202 is a barcode (col.13, lines 5-30; col.15, lines 52+), an edge reader 30 (as shown in fig. # 3 of Meunier et al.), wherein the reader is associated with a processing equipment [computer 110], or a printer 40 (col.8, lines 15+)..

In view of Meunier et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Field means of printing a security code/identifier on at least a perimeter edge surface of the substrate wherein the communication marking is formed from non-visible ink so as tighten the security and authenticity of the card/document. Furthermore, such method {pre-marked edge code} is known in the art [as exemplified by the examiner in U.S. references 5,966,457 of Lemelson; 5,907,144 of Poon et al.; 5,568,392 of Flickner et al.; 5,243,394 of Matsuno et al.; and CA 2,260,551 of DeBlois] and would provide easy means of detecting any tampering/falsification of the encoded information/code of the medium, means of verifying/authentication pre-printed information and means of tracking the card through reading of the security code. Moreover, such

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modification would have been an obvious extension as taught by Field, therefore an obvious expedient.

Re claims 7 and 16: Field as modified by Meunier et al. fails to teach that the non-visible ink comprises UV or IR ink. Meunier et al. further teaches that the code may be invisible to the eye and visible to a detector, such as an infrared detector (col.9, lines 45+).

However, from the applicant recognition (page 8, lines 25+ of the specifications), UV/IR ink is well known in the art and is invisible to the human eye in normal conditions (i.e. white lights). Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Field as modified by Meunier et al. a non-visible ink comprises UV or IR ink so as to provide an only optically recognizable ink by a sensor/detector and having good stability and solvent resistance. Moreover, such modification would have been an obvious extension as taught by Field as modified by Meunier et al.

Allowable Subject Matter

6. Claims 28-31 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: Although the prior art of record, Field as modified by Meunier et al. discloses an edge code reader, but fails to teach a first channel intersecting the slot at the reading area at an acute angle relative a longitudinal axis of the slot and a second channel intersecting the slot at the reading area, wherein the second channel has an axis that is disposed generally perpendicular to the longitudinal axis of the slot. These limitations in conjunction of other limitations in the claimed invention were not shown by the prior art of record.

Response to Arguments

8. Applicant's arguments filed 11/29/2004 have been fully considered but they are not persuasive.

Re claims 24-27: The applicant discloses the new limitations "picking an identity card from the input; means of reading the communication marking while the card in the input prior to picking and after the card has been picked from the input".

The above limitations are very broad and are interpreted by the examiner in the same regards. "Picking an identity card from an input" could be regarded as reading the identity card from an input/slot of a reader {which is taught by Field as modified by Meunier et al.}. On the other hand if "picking an identity card" is literally and/or manually lifting the card from one position to another one, said limitation does not carry any patentable weight because said means could be done by anyone and is well known in the industry, and means of reading the communication marking while the card in the input prior to picking {which could be reading the card by the reader or an individual since means of reading is not explicitly defined herein by the applicant} and after the card has been picked from the input".

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Matsuno et al. (U.S. 5,243,394) teaches electro-photographic device provided with a mechanism for attaching marks to edges of sheets.

Flickner et al. (U.S. 5,568,392) discloses document edge marking apparatus.

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Poon et al. (U.S. 5,907,144) teaches microscopic bar code component identification and method for making same.

Lemelson (U.S. 5,966,457) discloses method for inspecting, coding and sorting objects.

Cyr et al. (U.S. 6,138,913) teaches security document and method using invisible coded markings.

Steinschaden (US 2003/0143014 discloses marking instrument and methods of manufacturing marking instruments.

De Blois (CA 2,260,551) teaches card provided with edge marking.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
January 24, 2005



THIEN M. LE
PRIMARY EXAMINER